

97TH CONGRESS }  
2d Session }

HOUSE OF REPRESENTATIVES

REPORT  
No. 97-975

## FALSE IDENTIFICATION CRIME CONTROL ACT OF 1982

DECEMBER 17, 1982.—Ordered to be printed

Mr. HUGHES, from the committee of conference,  
submitted the following

### CONFERENCE REPORT

[To accompany H.R. 6946]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6946) to amend title 18 of the United States Code to provide penalties for certain false identification related crimes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 3.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, and 7 and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

*"(6) possesses an identification document that is or appears to be an identification document of the United States which is stolen or produced without authority knowing that such document was stolen or produced without authority;*

That the House recede from its disagreement to the amendment of the Senate numbered 4 and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: *the United States Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental, or an international*

That the House recede from its disagreement to the amendment of the Senate numbered 8 and agree to the same with an amendment, as follows:

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In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

*SEC. 4. (a) Chapter 83 of title 18, United States Code, is amended by adding at the end thereof the following:*

***"§ 1738. Mailing private identification documents without a disclaimer***

*"(a) Whoever, being in the business of furnishing identification documents for valuable consideration, and in the furtherance of that business, uses the mails for the mailing, carriage in the mails, or delivery of, or causes to be transported in interstate or foreign commerce, any identification document—*

*"(1) which bears a birth date or age purported to be that of the person named in such identification document; and*

*"(2) knowing that such document fails to carry diagonally printed clearly and indelibly on both the front and back "NOT A GOVERNMENT DOCUMENT" in capital letters in not less than twelve point type;*

*shall be fined not more than \$1,000, imprisoned not more than one year, or both.*

*"(b) For purposes of this section the term 'identification document' means a document which is of a type intended or commonly accepted for the purpose of identification of individuals and which is not issued by or under the authority of a government."*

*(b) The table of sections at the beginning of chapter 83 of title 18, United States Code, is amended by adding at the end thereof the following new item:*

***"11738. Mailing private identification documents without a disclaimer."***

*SEC. 5. Section 3001(a) of title 39, United States Code, is amended by striking out "or 1718" and inserting in lieu thereof ", 1718, or 1738".*

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DAN GLICKMAN,  
HAL SAWYER,  
HAMILTON FISH, Jr.,  
THOMAS N. KINDNESS,  
HENRY J. HYDE,

*Managers on the Part of the House.*

STROM THURMOND,  
PAUL LAXALT,  
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ALAN SIMPSON,  
GORDON J. HUMPHREY,  
JOSEPH R. BIDEN, Jr.,  
DENNIS DECONCINI,  
HOWELL HEFLIN,

*Managers on the Part of the Senate.*

### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6946) to amend title 18 of the United States Code to provide penalties for certain false identification related crimes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate in effect adopted two amendments. The conference agreement adopts the Senate amendments with amendments. The difference between the conference agreement and the House bill and the Senate amendments to the bill are noted below.

The first Senate amendment, No. 1368, added two new offenses to the new offenses created by the House bill. There were no equivalent House provisions. The House recedes from its disagreement with the Senate with respect to the first of the two added offenses, which prohibits possession of an identification document that is or appears to be an identification document of the United States which is stolen or produced without authority knowing that such document was stolen or produced without authority. This offense would be a misdemeanor subject to a fine of not more than \$5,000, imprisonment for not more than one year or both.

With respect to the second of the offenses added by the first Senate amendment, the conference adopts the House position.

The first Senate amendment also included certain technical amendments to the definitions. The conference agreement combines both the Senate and House versions to define the term "identification document" as used in section 1028 of title 18 to mean a document made or issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

The conference agreement includes the Senate amendment relating to definition of the term "State."

The conference agreement accepts the Senate amendment with respect to the exception for investigative, protective, or intelligence activities, to change the term "law enforcement agency of . . . a subdivision of a State" to "law enforcement agency of . . . a political subdivision of a State."

The second Senate Amendment, No. 1369, created a new offense relating to identification documents bearing a false birth date, to

be a new section 1738 of title 18 of the United States Code. There was no equivalent House provision.

The problem intended to be addressed by the amendment is the purchase of alcoholic beverages by persons under the minimum age in the various states by utilizing identification cards that are privately manufactured in a design and style that approximates those used by state driver's licenses and personal identification cards.

The Senate amendment would have made it an offense to mail or ship in interstate or foreign commerce an identification document which bears a date of birth by a person in the business of furnishing identification documents for valuable consideration, if that person fails to obtain written verification from a government agency, a physician or hospital of the accuracy of the date of birth. This requirement would have eliminated the utility of private identification documents which are used by many persons who have no official record of their date of birth and are unable to obtain official identification cards for that reason.

The conferees determined that to simply require privately issued identification cards to carry a prominent disclaimer that they are not government documents would adequately protect the public interest.

The conference agreement would make it an offense to mail or ship in interstate or foreign commerce a privately issued identification card that bears a birth date or age if the identification card fails to carry on the front and back of the card the clearly and indelibly printed words "NOT A GOVERNMENT DOCUMENT" in capital letters in not less than 12 point type.

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